

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. STEPHEN JONES,)	
Plaintiff,)	
)	
vs.)	Case No. CIV-22-278-HE
)	
1. J. KEVIN STITT, Governor of Oklahoma;)	
2. PAUL ZIRIAX, Secretary of the)	
Oklahoma State Election Board,)	
)	
Defendants.)	

PLAINTIFF’S SUPPLEMENT TO HIS MOTION FOR SUMMARY JUDGMENT

Plaintiff Stephen Jones (“Plaintiff”) hereby provides this supplement to his Motion for Summary Judgment [dkt. 3]. In support thereof, Plaintiff states as follows:

ADDITIONAL STATEMENT OF UNDISPUTED MATERIAL FACT

10. Senator Inhofe has recently appeared in a paid television advertisement by Okieway supporting Luke Holland for U.S. Senate. In this advertisement, Senator Inhofe tells the audience: “I’ve decided to retire from the Senate next November.” Transcript of Video Media OKIEWAY PAC “ALMOST OVER”, p. 2:4-5, attached hereto as Exhibit “9.”

ADDITIONAL ARGUMENTS AND AUTHORITIES

G. SENATOR INHOFE’S STATEMENT IN THE OKIEWAY ADVERTISEMENT SERVES AS A WITHDRAWAL AND REVOCATION OF SENATOR INHOFE’S “IRREVOCABLE PLEDGE” TO RETIRE ON JANUARY 3, 2023 AND PROVES THAT SENATOR INHOFE STILL HAS THE RIGHT TO CHANGE THE DATE OF HIS RETIREMENT, INCLUDING REMAINING IN OFFICE THROUGH JANUARY 2027.

As previously shown in the Motion for Summary Judgment, there is no present legal impediment to Senator Inhofe withdrawing or revoking his irrevocable pledge to retire

effective January 3, 2023. Senator Inhofe has now verified this conclusion in a paid television advertisement where he tells the public that he has “decided to retire from the senate next November.” It is not clear from this statement whether Senator Inhofe now intends to retire this November, November 2022, or the next November thereafter, November 2023. Regardless, Senator Inhofe has now contradicted his irrevocable pledge to retire on January 3, 2023, and thus withdrawn or revoked said pledge. Senator Inhofe certainly has a right to change his mind on his retirement date, including remaining in office through the end of his term in January 2027. Senator Inhofe’s apparent change of heart on his retirement date further establishes this.

CONCLUSION

The Governor lacked authority to issue his Proclamation requiring a special election to replace Senator Inhofe prior to Senator Inhofe actually vacating his office. The Court should enter summary judgment granting declaratory relief and issuing a permanent injunction against Defendants preventing the premature and unauthorized special election in 2022 to replace Senator Inhofe. Further, this Court should enter summary judgment granting declaratory relief and issuing a permanent injunction mandating that the Governor: (a) issue a writ for a special election after Senator Inhofe vacates his office on or about January 3, 2023 and (b) temporarily appoint a replacement U.S. Senator until Senator Inhofe’s office is filled by a special election held in conformity with the Seventeenth Amendment and Oklahoma law.

Respectfully submitted,

s/ Stephen Jones

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing which will automatically send e-mail notification of such filing to all attorneys of record.

s/ Stephen Jones

Stephen Jones